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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,630	07/12/2001	Eric Chen	2769-103	1743
6449	7590	05/12/2004	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/902,630	CHEN, ERIC
Examiner	Art Unit	
Ella Colbert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 July 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-4 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,076,079) Boston et al, hereafter Boston.

With respect to claim 1, Boston teaches, A tip-calculating device for calculating the amount of a tip based on the amount of an expense being charged, which comprises:

(a) a numeric keypad for user-input of the amount of expense (col. 2, lines 4-14, col. 4, lines 4-11, and fig. 1(8); (b) a computation circuit, which is capable of performing a tip-computation procedure, wherein the user-input amount of the expense is multiplied by a preset tip rate to obtain the amount of the tip (col. 4, lines 17-19 and lines 48-67 and col. 5, lines 1-6); (c) a tip-computation activation key, which can be pressed to activate the tip-computation unit to start the tip-computation procedure (col. 5, lines 7-13); and (d) a display unit for displaying the result of the tip-computation procedure performed by the tip-computation unit (col. 5, lines 14-17).

With respect to claim 2, Boston teaches, The tip-calculating device of claim 1, wherein the preset tip rate is within the range from 0% to 100% (col. 4, lines 56-59 and lines 62-67 and col. 5, lines 1-3).

As per claim 3, Boston teaches, The tip-calculating device of claim 2, wherein the preset tip rate is 15% (col. 4, lines 38-42 and fig. 27).

As per claim 4, Boston teaches, A tip-calculating device for calculating the amount of a tip based on the amount of an expense being charged, which comprises: {a} a numeric keypad for user-input of the amount of expense (col. 2, lines 4-14, col. 4, lines 38-42 and fig. 1(8); (b) a tip-computation unit, which is capable of performing a tip-computation procedure, wherein the user-input amount of the expense is multiplied by a preset tip rate of 15% to obtain the amount of the tip (col. 4, lines 44-59 and fig. 2 (27, 22, 24, and 26); (c) a tip-computation activation key, which can be pressed to activate the tip-computation unit to start the tip-computation procedure (col. 4, lines 61-64; and fig. 2 (32 & 30); and (d) a display unit for displaying the result of the tip-common formed by the tip-computation unit (col. 4, lines 11-25 and fig. 1 (14).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Oba (US 5,381,353) disclosed an electronic calculator for performing mathematical operations.

Sutton (US 4,458,320) disclosed an electronic calculator.

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· Manos (US 5,884,283) disclosed providing management and control of personal financial resources.

Burgess (US 5,966,693) disclosed calculating insurance policies and loan agreements.

### **Inquiries**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert  
May 10, 2004